

REMARKS

The specification has been amended to update the status of one of the parent applications. Claims 1, 4, 5, 7, 8, and 12 have also been amended for reasons set forth below. Claims 13-17 have been canceled. Claims 18-23 have been added. Claims 1-12 and 18-23 therefore are pending and presented for review. Favorable reconsideration and allowance are requested in light of the foregoing amendments and the remarks which follow.

1. Rejections Based on Obviousness-Type Double Patenting

Most pending claims have been rejected under the judicially-created doctrine of obviousness-type double patenting as claiming obvious variations of the subject matter claimed in co-owned United States Patent Nos. 6,457,614 (the '614 patent) and/or 6,626,420¹ (the '420 patent). A terminal disclaimer has been filed disclaiming the terminal portion of any patent term of any patent issuing from the present application extending beyond that of the earlier to expire of the '614 and '420 patents, hence obviating these rejections. The filing of this terminal disclaimer should not be construed as acquiescence to the appropriateness of either of the rejections.

2. Rejection Based on Prior Art

Claims 1-3, 6, and 9-17 stand rejected under 35 USC §102(b) as being anticipated by Carpenter. Claims 13-17 have been canceled, hence obviating the rejection of those claims.

¹ The Office Action misidentified the "420 patent as 6,246,426, to which this application bears no relation.

This rejection, insofar as it may be applied against the remaining independent claims 1 and 12 and claims dependent therefrom, is respectfully traversed.

Claim 1 recites a faucet having, *inter alia*, a valve body; a shank to which the valve body is connected, and a plunger that is axially moveable, in a direction parallel to fluid flow, from a valve-open position to a valve-closed position. Claim 1 additionally recites an extension located on the upstream end of the plunger and having a free end extending into a downstream portion of a passage in the shank when the plunger is in both the valve-open position and the valve-closed position. An exemplary extension is illustrated at 702 in Figures 10 and 11. That plunger (details of which are read upon by independent claim 12 and dependent claims 18-20 and 22) extends upstream from the valve body 612 and into the interior 706 of a shank 704 to which the valve body 612 is connected. The shape of the extension 702 may be configured to closely resemble or match the shape of the downstream end of a passage formed by the interior 706 of shank 704 so that the extension 702 fills a substantial portion of the volume of the downstream end of shank interior 706 while still permitting fluid to flow past the extension 702 and through the bore 614 when the faucet 610 is open.

By taking up part of the volume of the shank interior that would otherwise be present when the plunger is the valve-closed position a relatively small volume of fluid is trapped within the faucet when compared to the volume that would be trapped but for the extension. In addition, conductive heat transfer between the extension 702 and the relatively cool fluid in the shank interior 706 permits the extension 702 to cool that fluid which is trapped in the valve body 612 sufficiently to maintain the temperature of that fluid at a sufficiently low

value to prevent or at least inhibit CO₂ from breaking out of solution when the faucet is used to dispense a carbonated beverage.

The syringe disclosed in the Carpenter patent bears little resemblance to the claimed faucet. It certainly lacks a plunger having an extension configured as claimed. The element 40 alleged to correspond to the claimed plunger is, in fact, a valve stem that is connected to the valve 37 at its front end and to a handle 61 at its rear end. Its function is analogous to that of the lower end of the handle 618 of the faucet illustrated in Figures 10 and 11 to the extent it couples the manually manipulated portion of the handle to the valve. The valve 37 is functionally more analogous to the claimed plunger than is the valve stem 40 because valve 37, like the claimed plunger, selectively seats against a valve seat to close the device. To the extent that the valve stem 40 might be considered an "extension" of the valve 37, that valve stem does not extend into an interior passage of a shank and does not have free end located in a shank interior as claimed. It instead extends completely through the syringe and into the open air, where it is threadedly coupled to the handle 61. Hence, both claims 1 and 12 are novel over Carpenter. Withdrawal of the rejection under 35 USC §102(b) is believed to be in order and is respectfully requested.

Claim 12 is novel for reasons discussed above in connection with claim 1 and also because it recites additional features of the plunger extension and the passage into which it extends that are neither disclosed nor suggested by the cited Carpenter patent.

The remaining dependent claims recite still additional features of the invention which, when considered in combination with those of claim 1, are not disclosed by the cited Carpenter patent.

For instance, Carpenter lacks a handle configured as recited in claims 10 and 11. As indicated above, the valve stem 40 of Carpenter cannot correspond to the claimed plunger because, *inter alia*, it lacks a free end positioned between the inlet and outlet ports of a valve body. As such, nothing in Carpenter could be deemed a lever terminating within the plunger.

3. New Claims, Allowable Subject Matter, and Conclusions

Claims 4 and 5 were not rejected over the prior art. Applicant has filed a terminal disclaimer, rewritten claim 4 in independent form, and amended claims 5, 7, and 8 to depend from claim 4, hence placing claims 4, 5, 7, and 8 in *prima facie* condition for allowance.

Dependent claims 18-20 and 22 recite additional features of the plunger extension and the passage into which it extends that are neither disclosed nor suggested by the cited Carpenter patent. Dependent claims 21 and 23 specify that the plunger is at least generally square when viewed in transverse cross section. These features are not disclosed in the cited Carpenter patent.

Enclosed herewith is a check for \$510.00 in payment of a three month extension of time, which Applicant hereby requests, by a small entity. No other fee is believed to be payable with this communication, but should the Examiner consider any fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees or credit any overpayment to Deposit Account No. 50-1170.

Response to Office Action dated May 26, 2005
Serial No. 10/673,943 to Amidzich
Art Unit: 3754
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The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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Date: November 28, 2005

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